

REMARKS

The Examiner has rejected Claims 1-16 and 30-32 under 35 U.S.C. 103(a) as being unpatentable over Irwin (U.S. Patent No. 6,393,026), in view of Kadambi (U.S. Patent No. 6,850,521). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to the independent claims. Specifically, applicant has amended the independent claims to at least partially include the subject matter of dependent Claim 31.

Specifically, applicant has amended the independent claims to at least substantially include the following:

“wherein determining whether to accept or discard each of the incoming packets includes reading header information and contents for each incoming packet, and deriving state data from the packet header” (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that Kadambi merely teaches “FFP 141 is essentially a state machine driven programmable rules engine” (Col. 31, lines 20-21), which “includes filtering logic ... which selectively parses predetermined fields from the incoming data packets, thereby effectively obtaining the values of the desired fields from the MAC, IP, TCP, and UDP headers.” (Col. 31, lines 41-45). Further, Kadambi teaches that “logic 1411 in FFP 141 determines and takes the appropriate action,” where “[t]he filtering logic can discard the packet, send the packet to the CPU 52, modify the packet header or IP header, and recalculate any IP checksum fields or takes other appropriate action with respect to the headers” (Col. 35, lines 59-64).

However, merely teaching a state machine rules engine that includes filtering logic that selectively parses fields from incoming data packets and reads incoming packet headers, where the filtering logic in the state machine rules engine takes actions of discarding packets, sending packets, and modifying packet headers, as in Kadambi,

simply fails to teach any sort of “deriving state data from the packet header,” much less applicant’s claimed technique “wherein determining whether to accept or discard each of the incoming packets includes reading header information and contents for each incoming packet, and deriving state data from the packet header” (emphasis added), as claimed by applicant.

Clearly, a state machine that includes filtering logic to read incoming packet headers and modify packet headers, as in Kadambi, simply fails to teach any sort of “deriving state data from the packet header” (emphasis added), as specifically claimed by applicant

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner’s attention the subject matter of new Claims 33-36 below, which are added for full consideration:

“wherein the state data is used to generate one or more state blocks stored in the addressable memory unit” (see Claim 33);

“wherein the state blocks are updated based on the state data” (see Claim 34);

“wherein the state blocks are dynamically updated to reflect a current state of a machine” (see Claim 35); and

“wherein the state blocks are dynamically updated to reflect a current state of a network” (see Claim 36).

Again, a notice of allowance or a proper prior art showing of all of applicant’s claim limitations, in combination with the remaining claim elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP069).

Respectfully submitted,
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